HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO. 134 OF 2005.

Mr. Narhar S. Patwardhan. ..Appellant.

Versus.

Ms. Ashwini Narhar Patwardhan. ..Respondent.

Mr. Hitesh Vyas for the appellant.

Mr. S. R. Ganbavle for the respondent.

CORAM: S. B. MHASE &
SMT. NISHITA MHATRE, JJ.

DATE: FEBRUARY 14, 2007.

P.C.

1. This appeal is directed as against the judgment and decree passed by the Family Court at Pune on 5th September 2005 in Petition No. A-76 of 2004. By the said decree, marriage between the appellant and the respondent was dissolved under section 13(1)(ia) of the Hindu Marriage Act, 1956. The custody of the elder son - Omkar was kept with the appellant while the custody of younger son - Mihir was kept with respondent - wife. The access was directed to be settled mutually as observed in the judgment. The maintenance at the rate of Rs.2,000/- per month to minor son Mihir was directed to be paid by the appellant. The appellant was further directed to return the gold ornaments of the respondent - wife pledged with the Co-operative Bank

within two months from the date of the order, failing which the respondent was entitled to recover it through the process of law. Pecuniary damages of Rs. 1 lac was granted by the said decree.

2. Appellant - husband, basically aggrieved with the order of the pecuniary damages has approached to this Court. However, today the respondent wife has filed a pursis which is duly signed by her and her advocate giving up the claim of Rs.1 lac which was granted by the Family Court as and by way of pecuniary damages. Said Pursis is taken on record and marked "X" for identification. In view of the fact that the respondent has given up the claim of Rs. 1 lac, learned counsel for the appellant, on instructions, states that he may be allowed to withdraw this appeal in respect of the rest of the claim, since his grievance is satisfied. We note that the appellant and respondent both are present in Court. In the circumstances, appeal is disposed of with the above observations and recording of facts as withdrawn with the modification of the decree of trial court to the extent of giving up a claim of Rs.1 lac as pecuniary damages.

(SMT. NISHITA MHATRE, J.) **(S.B.MHASE, J.)**

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